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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91208855
Party	Defendant The Wine Group LLC
Correspondence Address	PAUL W REIDL LAW OFFICE OF PAUL W REIDL 241 EAGLE TRACE DRIVE, SECOND FLOOR HALF MOON BAY, CA 94019 UNITED STATES paul@reidllaw.com
Submission	Opposition/Response to Motion
Filer's Name	Paul W. Reidl
Filer's e-mail	paul@reidllaw.com
Signature	/pwr/
Date	12/20/2013
Attachments	Opposition to Motion to Strike.pdf(39244 bytes)

1 **BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE**
2 **TRADEMARK TRIAL AND APPEAL BOARD**

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4 Application Serial No. 85/736,374

5 Mark: (B)URBAN

6 Class: 33

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8 **GREATER LOUISVILLE**
9 **CONVENTION & VISITORS**
10 **BUREAU,**

11 Opposer/Respondent,

12 v.

13 **THE WINE GROUP, LLC,**

14 Applicant/Counterclaimant.

Opposition No. 91208855

**APPLICANT’S OPPOSITION TO
MOTION TO STRIKE**

15 Motions to strike are disfavored. *See Castro v. Cartwright*, No. 91188477 (Sept. 5,
16 2009)(unpublished). This is due in part to the strong public policy favoring the disposition of
17 matters on their merits.

18 As reflected at TBMP § 517, the Board has discretion to accept late-filed briefs. On this
19 motion an opposition brief was filed. It contained strong arguments as to why the motion should
20 be denied, one of which was because the movant did not comply with the Board’s rules because
21 it did not engage in a proper meet and confer. The strong policies favoring resolution on the
22 merits favor consideration of “the other side of the story” here; otherwise the Opposer will be
23 rewarded for failing to comply with the Board’s rules. Opposer does not claim that any
24 prejudice will occur from consideration of the opposition brief which was filed ten (10) days late.

1 In fact, there would be no prejudice other than the fact that the Board would be deciding the
2 motion on the merits.

3 Under penalty of perjury the undersigned states that upon receipt of the service copy of
4 the motion to compel he promptly drafted the response, sent it to the client for review and
5 completed it well before the filing deadline. The reason it was not filed sooner was due strictly
6 to a docketing error. For unexplained reasons the response date was docketed as if it was a
7 discovery response, with the due date as 30 days + 5 for service, not as a response to a discovery
8 motion. There was no intention to “game the system;” it was an honest mistake. Had I realized
9 the mistake I would have filed a motion with the opposition brief but I did not realize the error
10 until it received the service copy of the Opposer’s Reply Brief earlier today. (I have still not
11 received the service copy of the motion to strike.) Curiously, that Reply Brief did not address
12 the failure to engage in a meet and confer on the motion.

13 Wherefore it is requested that the opposition memorandum be considered and the motion
14 to strike be denied.

15 Respectfully submitted,

16 **LAW OFFICE OF PAUL W. REIDL**

17 By: /s/ Paul W. Reidl

18 Dated: December 20, 2013

19 Paul W. Reidl
20 Law Office of Paul W. Reidl
21 241 Eagle Trace Drive
22 Second Floor
23 Half Moon Bay, CA 94019
24 (650) 560-8530
paul@reidllaw.com

*Attorney for Applicant,
The Wine Group*

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on Opposer by placing a true copy thereof in the United States mail enclosed in an envelope, postage prepaid, addressed as follows to their counsel of record at his present business address:

Executed on December 20, 2013 at Half Moon Bay, California.

James Beird